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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,763	06/06/2000	Robert A. Law	F-160	9261

919 7590 03/24/2004

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EXAMINER

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ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 03/24/2004

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 14

Application Number: 09/588,763  
Filing Date: June 06, 2000  
Appellant(s): LAW, ROBERT A.

**MAILED**

MAR 24 2004

**GROUP 3600**

George M. Macdonald  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 1/27/04.

**(1) Real Party in Interest**

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

No amendment after final has been filed.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief includes a statement that claims 1-18 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

Claims 1-18 are grouped as follows:

Group I-Claims 1 and 10

Group II-Claims 8-9 and 17-18

Group III-Claims 2,3,4,11,12 and 13

Group IV-Claims 5 and 14

Group V-Claims 6-7, 15 and 16

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

5,754,939

Herz et al

5-1998

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8-10, 17, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Herz et al (US 5,754,939) as cited by applicant.

As per claims 1, 10, Herz et al discloses:

A web server in operative communication with a plurality of recipients and a plurality of senders, (Col. 28, lines 52-66, where the recipients are represented by the users or individuals with personal computers, the senders are represented by the information servers, and the web server is provided by America Online which provides data connection service with the selected ones of the information servers) the plurality of senders desirous of generating messages intended for the plurality of recipients, respectively; (Col. 30, lines 32-38 and lines 58-60, Col. 36, lines 22-26, where the user

represents the recipient and the information server represents the sender);

The web server includes a plurality of recipient preference profiles corresponding to the plurality of recipients, respectively, and a plurality of sender profiles corresponding to the plurality of senders/storing a plurality of recipient preference profiles... (Abstract, lines 8-10, where the "target profile interest summary" for each user represents the recipient preference profile, Col. 6, lines 1-7, where the profile information that describes the users' interests represents the recipient preference profiles and the profile information that describes the target object characteristics represents the sender profiles);

Each of the recipient preference profiles includes respective information directed to the recipient's preferences for receiving messages, (Col. 5, lines 21-25, where the respective information is represented by the target profile interest summary which includes a set of individual search profiles);

The web server provides the plurality of senders with access to the plurality of recipient preference profiles/providing the plurality of sender with access to the plurality of recipient... (Col. 5, lines 48-50, where the user's target profile interest summaries which represent the recipient preference profiles is accessible by the servers [senders]);

The web server maintains a relationship between the log of recipient preference profiles out of the plurality of recipient preference profiles that have been accessed by a particular sender/maintaining a relationship... (Col. 47, line 66-Col. 48, line 3, where the relationship is represented by the tabulation);

For each of the recipient preference profiles in the log of recipient preference

profiles, the web server provides a change notification to the particular sender of a change in the recipient preference profile, (Col 48, lines 3-6, where the change notification is represented by the summary which enables the proxy server to update the user's target profile interest summary and user profile, Col. 63, lines 50-58, where it is shown that a user of the system is notified of the new target objects determined by the user's target profile interest summary via e-mail or fax).

As per claims 8, 17, Herz et al discloses:

Each of the recipient preference profiles includes respective interest data (Col. 1, lines 25-27, where the respective interest data is represented by the description of the user's interest level in various types of target objects);  
each of the sender profiles includes respective industry description data and (Col. 10, lines 1-24, where the industry relates to the movie industry);

when a new recipient establishes a new recipient preference profile, the web server provides a new recipient notification to those senders whose industry description data matches the new recipient's interest data, (Col. 37, lines 8-63, esp. lines 25-30 and lines 55-64, where the unique pseudonym relates to and is used when a user requires a new pseudonym for use with a provider and the new recipient notification is represented by the presentation to the service providers).

As per claims 9, 18, Herz et al discloses:

The new recipient notification of industry description data match is in accordance with instructions provided in the plurality of sender profiles, respectively/providing the new recipient notification of industry, (Col. 34, lines 32-41, where access control

instructions accessed by the server represents the instructions provided in the plurality of sender profiles).

***Claim Rejections - 35 USC § 103***

Claims 2-7, 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al (US 5,754,939) as cited by applicant.

As per claims 2, 11, Herz et al does not specifically disclose the following:

The web server notifies the particular sender in a format specified in the particular sender's sender profile...

Official notice is taken that it is old and well known in the data communication art to send data in a specified format. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to transmit data in a specified format with the motivation of successively transmitting this information. In addition, the Herz et al patent discloses that users access the information servers via electronic mail, which utilizes an industry standard format. Since an industry standard format is used in this case, the industry standard format serves as a universal format and is therefore already specified for the sender. It is also common practice in Internet messaging to set up profiles with respect to data transmission and how the data will be transmitted.

As per claims 3, 12, Herz et al discloses:

Each of the recipient preference profiles includes respective interest data, (Col. 1, lines 25-27, where the respective interest data is represented by the description of the user's interest level in various types of target objects);

Each of the sender profiles includes respective industry description data, (Col.

10, lines 1-24, where the industry relates to the movie industry);

When a new recipient establishes a new recipient preference profile, the web server provides a new recipient notification to those senders whose industry description data matches the new recipient's interest data, (Col. 37, lines 8-63, esp. lines 25-30 and lines 55-64, where the unique pseudonym relates to and is used when a user requires a new pseudonym for use with a provider and the new recipient notification is represented by the presentation to the service providers).

As per claims 4, 13, Herz et al discloses:

The new recipient notification of industry description data an interest data match is in accordance with instructions provided in the plurality of sender profiles, respectively, /providing the new recipient notification of industry description data, (Col. 34, lines 32-41, where access control instructions accessed by the server represents the instructions provided in the plurality of sender profiles).

As per claims 5, 14, Herz et al discloses:

Each of the recipient preference profiles includes respective no interest data; and, if a given sender accesses one of the plurality of recipient preference profiles and the given sender's industry description data matches the one of the plurality of recipient preference profiles no interest data, then the web server provides a listing of other senders whose industry description data matches the one of the plurality of recipient preference profiles interest data, (Col. 20, lines 46-58, where the no interest data is represented by no topical interest, Col. 65, lines 33-40, where the "next-best" alternative labels represents the listing of other senders).



As per claims 6, 7, 15, 16, Herz et al discloses:

For each of the recipient preference profiles the web server associates a listing of those of the plurality of senders that have accessed the recipient preference profile; and, the web server utilizes this listing in generating the change notifications, (Col. 79, lines 22-34, where the list, that identifies the plurality of target objects and sets of target object characteristics represents the listing of those of the plurality of senders since the senders are associated with the target objects. These senders are associated with the target objects since they send target objects to an interested user, Col. 63, lines 50-58, where the list is formed by correlating the user target profile interest summaries, therefore the list is no more than a target profile interest summary; and the change notifications are determined through the evaluation of a user's target profile interest summary).

**(11) Response to Argument**

As per claims 1 and 10, the appellant argues that Herz fails to disclose "a log of recipient preference profiles out of the plurality of recipient preference profiles that have been accessed by a particular sender". Examiner respectfully disagrees. First, in Col.5, lines 48-50, the user's target profile interest summaries are described as being accessible to the relevant server. In this case, the servers perform matching of target objects to users, and also give the user control over the ability of third parties to access the object and contact the user (See abstract, lines 21-25). In addition, Col. 47, line 66-Col. 48, line 6 of Herz shows that feedback provided by any user with respect to any target object sent from the accessor is tabulated and a summary of this information is

periodically sent to the proxy server to enable the proxy server to update the user's profile interest summary and the user profile. In this case, the profile interest summary represents the log of recipient preference profiles since it is created from tabulated target object information that an accessor has accessed.

In addition, appellant argues that claims 1 and 10 fail to disclose "the web server provides a change notification to the particular sender of a change in the recipient preference profile". However, Herz discloses this limitation in Col. 48, lines 3-6. Here, it is disclosed that when the proxy server changes access information for a user, a summary of this information is transmitted to the proxy server, which has a user base according to the user profile, and the proxy server then updates the user's target profile interest summary and the user profile for a particular user. In this case the proxy server represents the sender. In addition, Herz discloses that users may request access while navigating on the World Wide Web in Col. 41, lines 5-10. Therefore, it is inherent that a Web server handles the communication such as "providing change notification" to the proxy server since the communication is in a Web environment.

As per claims 8-9 and 17-18, appellant argues that Herz fails to disclose "provides a new recipient notification to those senders whose industry description data matches the new recipient's interest data". Applicant also argues that Herz discusses attributes of an information object and not a recipient and does not suggest an industry type. However, in Col. 10, lines 1-24, it is disclosed that attributes are stored about each target object. Here, the attribute information comprises data relating to a movie. In this case, the industry is the movie industry. As described above with respect to

Art Unit: 3623

claims 1 and 10, Herz discloses that when the proxy server changes access information for a user, a summary of this information is transmitted to the proxy server, which has a user base according to the user profile. The proxy server then updates the user's target profile interest summary and the user profile for a particular user. In this case the proxy server represents the sender. Hence, the user with particular attributes (which in this case relates to the movie industry) who is interested in data described in the user's target summary will have his new recipient or target data sent to his sender. In addition, Herz discloses another example where a new virtual community is created and new messages whose target profiles are similar to the community's cluster profile are sent to the new virtual community in Col. 77, lines 2-7. in this case, the new messages represent the new recipient notification, and the virtual community represents the senders.

As per claims 2-4 and 11-13, appellant argues that the references are not properly combined. However, the 103 rejection given is only a single reference rejection and not a combination rejection. In addition, the applicant argues that there is no motivation to combine Herz '939 with a profile chosen notification format. However, in order to successively transmit information in a system that relates to customized electronic identification of desirable objects (Herz), a profile chosen notification format is necessary. In addition, the Herz et al patent discloses that users access the information servers via electronic mail, which utilizes an industry standard format. Since an industry standard format is used in this case, the industry standard format serves as a universal format and is therefore already specified for the sender. It is also common

practice in Internet messaging to set up profiles with respect to data transmission and how the data will be transmitted. In addition, the applicant argues that the obviousness conclusion used with the 103 rejection must be supported by a factual basis. As described in the rejection, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to transmit data in a specified format with the motivation of successively transmitting a specific type of data. In addition, the Herz et al patent discloses that users access the information servers via electronic mail, which utilizes an industry standard format. Since an industry standard format is used in this case, the industry standard format serves as a universal format and is therefore already specified for the sender. It is also common practice in Internet messaging to set up profiles with respect to data transmission and how the data will be transmitted. Finally, Appellant also argues that Herz discloses attributes of an information object and not a recipient and that there is no attribute entitled even remotely suggesting an industry type, as argued for claim 8-9 and 17-18. However, as described above with respect to claims 8-9 and 17-18, Herz does disclose these features.

As per claims 5 and 14, appellant argues that Herz fails to disclose providing a list of other senders having a matching profile. However, Herz discloses this feature in Col. 12, lines 10-17. In this case, Herz describes a system that allows a user to list documents that link to a document from a certain industry, which is, in this case, the movie industry (as shown in Col. 10, lines 3-24). Here, the documents come from the senders, which are from the movie industry. Therefore, the list of documents that a document links to relates to the movie industry senders and have similar citations with

respect to attributes. In this case, the similar citations represent the matching profile. In addition, Herz describes an example where a virtual community is created through analyzing other virtual communities whose users have target profiles that are similar to the average message profile as shown in col. 77, lines 1-4. Once this community is identified, a mailing list is established so that members of the community can e-mail each other as shown in Col. 77, lines 35-38.

As per claims 6-7, 15 and 16, the appellant argues that Herz fails to disclose "a listing of those of the plurality of senders that have accessed the recipient preference profile", and that the information objects of Herz do not access a recipient preference profile. However, Herz discloses "a listing of those of the plurality of senders that have accessed the recipient preference profile" in Col. 79, lines 22-34. Here the list that identifies target objects and sets of target object characteristics represents the listing of those of the plurality of senders since the senders are associated with the target objects. These senders are associated with the target objects since they send target objects to an interested user.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

March 22, 2004

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